

REMARKS/ARGUMENTS

The final office action of February 4, 2008 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 13 and 14 have been canceled. Claims 15 and 26 have been amended. No new matter has been introduced. Claims 15-16, 18, 24, 26 and 31 are pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

Claims 13-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Rakib (US 2004/0172658 A1) in view of Fleming (US 6,073,188), and further in view of Soleimani (US 5,678,228). Claims 13 and 14 have been canceled rendering this rejection moot.

Claims 15-16, 18, and 24 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicants have amended independent claim 15 to clarify that the transmitter portion includes a frequency synthesizer with a selectable frequency range and programmable modulator. Withdrawal of this rejection is requested.

Claims 15-16, 18, and 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Rakib (US 2004/0172658 A1), in view of Dinwiddie et al. (US 6,481,013), in view of Soleimani (US 5,678,228), and further in view of Emi (US 5,715,275). Applicants respectfully traverse this rejection for at least the following reasons.

The Office Action alleges that the combination of Rakib, Dinwiddie et al, Soleimani, and Emi discloses the features of claim 15. The Action relies on Rakib to show “a receiver portion” and “a transmitter portion.” Amended claim 15, however, recites, among other features: “the transmitter portion and the receiver portion are separate configurations connected by connectors.” Applicants submit that Rakib does not teach or suggest this feature of claim 15.

In Examiner's response to arguments, the Action on page 6 recites the following (as copied and pasted below):

Rakib discloses each interface circuit in the gateway is a separate expansion card that plugs into the system bus of the host and has a connector suitable to interface with the physical media of the particular digital data delivery service. Likewise, the network interface to the local area network(s) can be an expansion card (see include, but are not limited to, paragraphs 0039, 0041, page 29, claim 34). Thus, the gateway comprises a plurality of portions including receiving portion for receiving the signals in downstream and transmitting portion for transmitting the signal upstream (see include, but are not limited to, figures 3,4A,5) is read on transceiver comprises transmitter portion and receiver portion. The transmitter portion and receiver portion reside in the gateway and

Even assuming, arguendo, that Rakib describes that each interface circuit in the gateway is a separate expansion card as the Action alleges, neither the cited portions of Rakib nor any other portion of Rakib describe "the transmitter portion and the receiver portion are separate configurations connected by connectors," which is at least supported by Applicants' Fig. 5 (copied and annotated in FIG. 1 below). Notably, and in contrast with the Action's assertion, the cited portions of Rakib describe a gateway with a unified transmitter and receiver, and not separate configurations as claim 15 recites. FIG. 4A of Rakib clearly illustrates a receiver and a transmitter that are not separate, but unified, contrary to Applicants' claim 15 recited above. Therefore, Rakib does not teach or suggest this recited feature of claim 15.

Dinwiddie et. al, Soleimani, and Emi either alone or in combination fail to remedy the deficiencies of Rakib discussed above. Thus, even if proper, the combination of Rakib, Dinwiddie et. al, Soleimani, and Emi does not result in the invention of claim 15.

Claims 16, 18 and 24 which ultimately depend from claim 15, are patentably distinguishable from the combination of Rakib, Dinwiddie et. al, Soleimani, and Emi for at least the same reasons as their respective base claims and further in view of the additional advantageous features recited therein. Withdrawal of this rejection is requested.

Claim 26 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Rakib (US 2004/0172658 A1) in view of Fleming (US 6,073,188), in view of Soleimani (US 5,678,228),

and further in view of EMI (US 5,715,275). Claim 31 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Rakib (US 2004/0172658 A1), in view of Dinwiddie et al. (US 6,481,013), in view of Soleimani (US 5,678,228), and further in view of EMI (US 5,715,275).

The Office Action alleges that the combination of Rakib, Fleming, Soleimani, and EMI discloses the features of claim 26. The Action relies on Rakib to show “a receiver” and “a transmitter.” Amended claim 26, however, recites, among other features: “wherein the transmitter and the receiver are separate configurations connected by means of connectors.”

For similar reasons as discussed above with respect to claim 15, Rakib fails to teach or suggest this recited feature of claim 26. Fleming, Soleimani, and EMI either alone or in combination fail to remedy the deficiencies of Rakib discussed above. Thus, even if proper, the combination of Rakib, Fleming, Soleimani, and EMI does not result in the invention of claim 26. Withdrawal of this rejection is requested.

Even assuming, without admitting, that the combination of Rakib, Dinwiddie et. al, Soleimani, and EMI is proper, Dinwiddie et. al, Soleimani, and EMI either alone or in combination fail to remedy the deficiencies of Rakib described above with respect to Applicants’ claim 26 from which claim 31 depends. Therefore, claim 31 is patentably distinct from the combination of Rakib, Dinwiddie et. al, Soleimani, and EMI. Withdrawal of this rejection is requested.

CONCLUSION

In view of the above amendments to correct informalities, cancellation of the withdrawn claims, and remarks, issuance of a Notice of Allowance is respectfully requested.

If any additional fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

Respectfully submitted,

/Susan A. Wolffe/

Dated: April 29, 2008

Susan A. Wolffe
Registration No. 33,568

Banner & Witcoff, Ltd.
1100 13th Street, N.W.
Suite 1200
Washington, D.C. 20005-4051
Tel: (202) 824-3000
Fax: (202) 824-3001